

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:13-CR-317-H

UNITED STATES OF AMERICA                    )  
  )  
                  v.                                )  
  )  
JAMES EDWARD TRAVIS                        )

**PRELIMINARY ORDER AND JUDGMENT OF FORFEITURE**

WHEREAS, pursuant to the entry of the Memorandum of Plea Agreement entered into by the defendant, James Edward Travis, on December 9, 2013, the following property is hereby forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461(c), to wit:

(A) Personal Property -       A 2011 Chevrolet Silverado K2500HD Pickup Truck, VIN: 1GC1KYC89BF134486;

(B) Real Property - including but not limited to, all that lot and parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 1400 Blue Ribbon Lane, Hope Mills, Cumberland County, North Carolina, and as more fully described in a deed recorded in Book 08608, Pages 0704-0705 of the Cumberland County Registry;

(C) \$46,131.20 in U. S. Currency seized from USAA Bank Accounts; and

(D) Gross proceeds in the amount of \$165,758.80, an amount not currently in the possession of or its whereabouts known to the Government, having given credit for the \$46,131.20 in U. S. Currency seized from USAA Bank Accounts. Upon the forfeiture and sale of the 2011 Chevrolet Silverado K2500HD Pickup Truck, VIN: 1GC1KYC89BF134486, the United States will move the Court for an amended money judgment to provide for the credit of the sales proceeds from the subject truck and a reduction of the money judgment.

AND WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said property, pursuant to 18 U.S.C. § 982 (a)(1)(C), as allowed by Fed. R. Crim. P. 32.2 (c)(2);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, James Edward Travis, the United States is hereby AUTHORIZED to seize the above-stated property and currency, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In addition, JUDGMENT is entered for the amount of the gross proceeds, that is, \$165,758.80, as allowed by Fed. R. Crim. P. 32.2(b)(2)(A). In accordance with Fed. R. Crim. P.

32.2(b)(4)(A), this Order and Judgment is final as to the defendant upon entry.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Order and Judgment of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. With regard to the personal property only, pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General, the United States Department of Treasury, or the Director of the U. S. Department of Homeland Security directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 2nd day of April 2014.

  
MALCOLM J. HOWARD  
Senior United States District Judge